CITY COUNCIL MEETING MINUTES
MONDAY, JULY 12, 2010

The City Council of the City of Bellaire, Texas, met in Special Session on Monday, July 12, 2010, in the Council Chamber, First Floor of City Hall, 7008 South Rice Avenue, Bellaire, Texas 77401, for the following purpose(s):

A. CALL TO ORDER AND ANNOUNCEMENT OF A QUORUM – Mayor Cindy Siegel.

Mayor Siegel called the City Council of the City of Bellaire, Texas, to order at 6:01 p.m. on Monday, July 12, 2010.

Also present were Mayor Pro Tem Phil Nauert, Councilmen James P. Avioli, Sr., Corbett Daniel Parker, and Andrew Friedberg, Councilwoman Mandy Nathan, City Manager Bernard M. Satterwhite, Jr., City Attorney Alan P. Petrov, and City Clerk Tracy L. Dutton. Councilman Will Hickman was absent.

B. READING OF NOTICE OF PUBLIC HEARING – City Clerk Tracy L. Dutton.

City Clerk Dutton read the Notice of Public Hearing into the record.

C. SUMMARY OF PUBLIC HEARING PROCEDURE – City Manager Bernard M. Satterwhite, Jr.

City Manager Satterwhite summarized the public hearing procedure for the evening.

D. PRESENTATION regarding revisions proposed to the Code of Ordinances of the City of Bellaire, Texas (“Code”), Chapter 24, Planning and Zoning, Article V, Zoning Regulations, Division 1, Zoning Districts and Regulations of General Applicability, Section 24-503, Specific Uses, Article VI, Amended Procedure, Section 24-605, Application for Specific Use Amendment, and Section 24-615, Standards Applicable to All Planned Developments and Specific Use Amendments, and Section 24-607, Call of Public Hearings, to remove all references to the term “amendment” as such term relates to specific use(s) and replace with the term “permit” in order to bring Sections 24-503, 24-605, and 24-615 in line with existing codification practices, and to revise Section 24-607 to eliminate the requirement that the Planning and Zoning Commission and City Council formally call public hearings to allow the Chair of the Planning and Zoning
Commission and/or City Manager, as the case may be, to call the public hearing and direct City Staff to take the necessary steps to notify the public of such public hearing as required by the Code –

Presentation by Director of Community Development John McDonald.

Director of Community Development McDonald presented the amendments proposed for Chapter 24, Planning and Zoning (“Chapter 24”), of the Code of Ordinances of the City of Bellaire, Texas (“Code”). He noted that the amendments could be broken down into two separate areas. The first area was related to specific uses, which affected Sections 24-503, 24-605, and 24-615 of Chapter 24, and the second area was related to the call of public hearings, which affected Section 24-607 of Chapter 24.

The proposed revisions or amendments were presented to the Planning and Zoning Commission of the City of Bellaire, Texas (“Commission”), at their May 11, 2010, meeting.

The replacement of the word "amendment" with the word "permit" was recommended by City Staff for Sections 24-503, 24-605, and 24-615 of Chapter 24. This revision was proposed as a result of the City’s recodification of its Code in 2005-2006. The City’s codifier, Municipal Code Corporation, had recommended that the City no longer include specific use amendments as an update to the Code. The change of the word "amendment" to "permit" would bring the referenced sections in line with existing codification practices.

The Commission accepted City Staff’s recommendation for the proposed revisions to Sections 24-503, 24-605, and 24-615 of Chapter 24 and evidenced their acceptance and approval in a memorandum dated May 12, 2010, to the Bellaire City Council.

With respect to Section 24-607 of the Code, City Staff proposed changing the current ordinance, which called for the Commission to call a public hearing by formal action to allow the Chair of the Commission or the City Manager to set a public hearing for the Commission, as well as a recommendation that the current requirement by the City Council to call a public hearing by ordinance be relaxed to allow a public hearing to be called by the City Manager upon receipt of a recommendation from the Commission.

There would be no changes to the joint public hearing process because that process was set by the Texas Local Government Code.

The Commission did recommend the approval of a proposal to remove the requirement to call City Council public hearings by ordinance, but did not approve the proposal to allow a public hearing at the Commission level to be called by the Chair or City Manager. The Commission voted, instead, to keep that portion of Section 24-607 of Chapter 24 as it was currently written.
Director McDonald next referred City Council to a flowchart that showed the breakdown of the current model for calling a public hearing. The best-case scenario was a six month, three week process from the time an application was received by the Community Development Department until formal action would be taken by City Council.

Under a joint public hearing format, that timeline could be reduced to a three month, one week process, which was typically reserved for special considerations. The City Staff proposal would reduce the length of the process to four months, three weeks, while the recommendation by the Commission would result in a five month, three week process.

E. RECOGNITION OF CITIZENS AND/OR OTHER INTERESTED PARTIES – Mayor Cindy Siegel.

Lynn McBee, 5314 Evergreen Street, Bellaire, Texas:

Ms. McBee stated that she had no objection to the proposed revisions to Sections 24-503, 24-605, and 24-615 of Chapter 24.

The primary concern expressed by Ms. McBee related to Section 24-607 of Chapter 24, which was to alter the way in which the City called public hearings. City Staff’s proposal suggested that the City override the appointment powers of City Council to allow either the Chair of the Commission or the City Manager to call a public hearing to save some time. This savings of time might result in less opportunity for involvement by the community.

F. QUESTIONS FROM THE CITY COUNCIL OF THE CITY OF BELLAIRE, TEXAS – Mayor Cindy Siegel.

Members of City Council asked questions of Director of Community Development McDonald regarding the proposed revisions.

G. CLOSE OF PUBLIC HEARING – Mayor Cindy Siegel.

Mayor Siegel closed the public hearing before City Council regarding revisions to various sections with Chapter 24, Planning and Zoning, of the Code at 6:36 p.m. on Monday, July 12, 2010. It was noted that no oral comments would be accepted after the close of the public hearing. Written comments could be submitted to City Council in care of the City Clerk until noon on Thursday, July 29, 2010, in order to be considered for the record.

H. ADJOURNMENT.

Councilman Friedberg moved to adjourn the Special Session (Public Hearing) of the City Council of the City of Bellaire, Texas, at 6:37 p.m. on
Monday, **July 12, 2010.** Councilman Avioli seconded the motion. The motion carried unanimously on a 6-0 vote as follows:

**FOR:** Mayor Siegel, Mayor Pro Tem Nauert, Councilmen Avioli, Parker, and Friedberg, and Councilwoman Nathan

**OPPOSED:** None

**ABSENT:** Councilman Hickman

Respectfully submitted,

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Tracy L. Dutton, TRMC
City Clerk
City of Bellaire, Texas

Approved:

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Cynthia Siegel, Mayor
City of Bellaire, Texas